IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE NINTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 10955 of 1997

Between:

Smt. Lingala Ananthamma, W/o. Late L. Surayya,
R/o. Thungathurthy Village & Mandal, Nalgonda Dist.

..... PETITIONER

AND

1 The Chairman, The Dist. Co-operative Credit Society Bank ,
Nalgonda Dist.
2 The Manager , Primary Agricultural Co-operative Credit Society,ltd.,
Thungathurthy Mandal, Nalgonda Dist.

..RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus directing the Respondents 1 and 2 not to auction the petitioner's land in S.No.52,54,55,64,65,66 measuring an extent of Ac.0.16,Ac.2.10,Ac.1.05,Ac.0.23,Ac.2.16, Ac.1.34 situated at Tirumalghery Mandal, Eturu Village, Nalgonda Dist., by declaring the action of the Respondents in trying to auction the petitioner's property as illegal and arbitrary

Counsel for the Petitioner:MR.N.RAJESWAR RAO

Counsel for the Respondent No.1 : MR. T. AMARNATH GOUD

Counsel for Respondent No. 2 : -- None appeared

The Court made the following :

ORDER:

In the present writ petition, the petitioner seeks a direction to the respondent Nos. 1 and 2 not to auction the lands to an extent of
Ac. 8-24 in Survey Nos. 52, 54, 55, 64, 65 and 66, Eturu village, Tirumalgherry Mandal, Nalgonda district.

The petitioner claims that after the death of her husband in the year 1994, she succeeded to the property, and is in possession and cultivation of the subject lands. While so, the petitioner alleges that in the month of February, 1997 the respondent-bank visited the subject lands and tried to seize the pump set fixed therein, on the ground that her husband has taken loan from the bank, and is still liable to pay certain amount. The petitioner is said to have paid certain amounts, and requested the respondent-bank to furnish the details of the loan obtained by her husband. The petitioner alleges that the details as sought by her, were not provided by the respondent-bank, and a notice was affixed in the Panchayat Office Etur, Nalgonda, to the effect that the husband of the petitioner late Surayya has taken a loan from the respondent-bank and is liable to pay an amount of Rs.15,700/-, and that if the same is not paid, the subject lands would be put to public auction on 26-5-1997. Questioning the said notice, the petitioner filed the present writ petition.

Learned counsel for petitioner submitted that the petitioner is an illiterate women, and the authorities of the respondent-bank without furnishing the details of the loan amount obtained by the husband of the petitioner, as sought by her, issued the

impugned notice, seeking to put the lands which are in the possession and cultivation of the petitioner, to public auction to recover the alleged loan dues, which is illegal and arbitrary.

It appears that the petitioner's husband had taken loan from the respondent-bank by mortgaging the lands, and though the petitioner succeeded to the lands after the death of her husband in 1994, the fact remains that the lands are under mortgage with the respondent-bank. According to the respondent-bank, the husband of the petitioner is due some amount towards loan outstanding, and for realization of the same, they sought to put the mortgage property to public auction, and no exception can be taken thereto. However, having regard to the fact that the petitioner is said to have requested the respondent-bank to furnish the details of the loan amount taken by her husband, the respondent-bank shall furnish the same to the petitioner.

With the observation as above, the writ petition is dismissed. No costs.

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N.V.RAMANA,J

9-3-2005

TVK

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Chairman, The Dist. Co-operative Credit Society Bank , Nalgonda Dist.
2 The Manager , Primary Agricultural Co-operative Credit Society,ltd., Thungathurthy Mandal, Nalgonda Dist.

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